

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL ORRIN BAKER,

Plaintiff,

CIVIL ACTION 09-10360

v.

DISTRICT JUDGE NANCY G. EDMUNDS

BANNUM PLACE OF SAGINAW, LLC; MAGISTRATE JUDGE MARK A. RANDON
LATOYA BURNSIDE, DIRECTOR;
DOROTHY JONES, EMPLOYEE SPECIALIST;
CLARINET MCFADDEN; VERTRICE ROBY;
MR. LYONS; HENRY HOBSON; MS. FRIERSON,

Defendants.

**ORDER DENYING AS MOOT DEFENDANTS' MOTION TO COMPEL DISCOVERY,
OR IN THE ALTERNATIVE, TO DISMISS FOR FAILURE TO PROSECUTE**

This matter is before the Court on Defendants' Motion to Compel Discovery, or in the Alternative, to Dismiss for Failure to Prosecute. (Dkt. No. 73). Defendants ask the Court to require Plaintiff to schedule a date for his deposition as well as respond to their interrogatories and requests for production. In the alternative, Defendants ask the Court to dismiss the case for failure to prosecute.

On June 4, 2012, Defendants filed a "Renewal of Defendants' Motion to Compel Discovery and Motion to Extend Discovery." (Dkt. No. 82). Defendants requested the same relief as in their original motion.

On June 7, 2012, Judge Nancy G. Edmunds entered an Order Granting in Part and Denying in Part Defendants' Motion to Compel Discovery and to Extend Discovery Dates. (Dkt.

No. 83). Judge Edmunds required Plaintiff to: (1) respond to Defendants' interrogatories and requests for production of documents by June 25, 2012; and (2) submit to a deposition by June 29, 2012. Finally, Judge Edmunds indicated that the Plaintiff's case will be dismissed if Plaintiff fails to cooperate with discovery. (Dkt. No. 83).

While Plaintiff appeared for a deposition on July 2, 2012, Defendants claim he did not respond to their interrogatories and requests for production. However, Defendants have filed a Motion to Dismiss/Motion for Summary Judgment (Dkt. No. 88). Whether Plaintiff's case is dismissed for failure to cooperate with discovery will be addressed when the Court decides this pending motion.

Therefore, **IT IS ORDERED** that Defendants' motion (Dkt. No. 73) is **DENIED AS MOOT**.

s/Mark A. Randon

Mark A. Randon

United States Magistrate Judge

Dated: August 8, 2012

Certificate of Service

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, August 8, 2012, by electronic and/or ordinary mail.

s/Melody Miles

Case Manager